

**AMENDMENT NO. 5 TO THE AGREEMENT FOR
CONSULTANT AND OTHER SERVICES**

BETWEEN

CITY OF MILPITAS

AND

RMC WATER AND ENVIRONMENT, INC.

This Amendment is entered into this 21st day of October, 2014, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and RMC Water and Environment, Inc. a California Corporation ("CONSULTANT").

RECITALS

WHEREAS, the parties entered into an agreement titled "Consulting Services Agreement" ("Agreement") for professional engineering services for BART Extension and Various City Capital Projects on March 1, 2011 with an expiration date of December 31, 2011 in the amount of One Hundred Fifty Four Thousand Four Hundred Sixty Eight Dollars (\$154,468); and

WHEREAS, on August 16, 2011, the parties entered into Amendment No. 1 to the Agreement to increase the scope of work, extend the term of the Agreement with an expiration date of June 30, 2012, and increase the compensation to an amount not to exceed Four Hundred Twenty Thousand Sixty Eight Dollars (\$420,068); and

WHEREAS, on May 10, 2012, the parties entered into Amendment No. 2 to the Agreement to extend the term of the Agreement with an expiration date of October 31, 2012 with no changes to compensation; and

WHEREAS, on August 7, 2012, the parties entered into Amendment No. 3 to the Agreement to increase the scope of work, extend the term of the Agreement with an expiration date of October 31, 2013, and increase the compensation to an amount not to exceed Eight Hundred Seven Thousand One Hundred Sixteen Dollars (\$807,116); and

WHEREAS, on October 15, 2013, the parties entered into Amendment No. 4 to the Agreement to increase the scope of work, extend the term of the Agreement with an expiration date of October 31, 2014, and increase the compensation to an amount not to exceed One Million One Hundred Seven Thousand One Hundred Sixteen Dollars (\$1,107,116); and

WHEREAS, the parties desire to extend the term of the Agreement with an expiration date of October 31, 2015 for additional services with no changes to compensation.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. The first sentence in Subsection 1.1, entitled "Term of Services" of the Agreement is amended to read:

"The term of this Agreement shall begin on the date first noted above and shall end on October 31, 2015."

2. The CONSULTANT agrees to maintain and pay for all insurance policies as stated in Section 4, entitled "Insurance Requirements" of the Agreement dated March 1, 2011, between CONSULTANT and CITY. The CONSULTANT shall provide CITY with renewal certificates of the current policies upon the expiration of the current policy.
3. All other provisions of the amended Agreement not amended by this Amendment No. 5 shall remain in full force and effect.

This Amendment is executed as of the date written on page one.

CITY OF MILPITAS

CONSULTANT

Thomas C. Williams, City Manager

Steve Bui, Vice President

APPROVED AS TO CONTENT

Jeff Moneda
Public Works Director

APPROVED AS TO FORM

Michael J. Ogaz, City Attorney